



**Scott A. Kotler**  
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October 17, 2016

**VIA ELECTRONIC DELIVERY**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Amendment of Part 2 of the Commission's Rules for Federal Earth Stations Communicating with Non-Federal Fixed Satellite Service Space Stations, ET Docket No. 13-115; Federal Space Station Use of the 399.9-400.05 MHz Band; and Allocation of Spectrum for Non-Federal Space Launch Operations, RM-11341**

**Notice of *Ex Parte* Presentation**

Dear Ms. Dortch:

On October 13, 2016, Scott Kotler, Director of Technical Regulatory Affairs for Lockheed Martin Corporation ("Lockheed Martin"), and Arielle Brown, counsel for Lockheed Martin, met with Jose Albuquerque, Karl Kensinger, Kerry Murray, Chip Fleming, Stephen Duall, and Paul Blais of the Federal Communications Commission's ("FCC") International Bureau Satellite Division, and Geraldine Matise, Jamison Prime, and Nicholas Oros of the FCC's Office of Engineering and Technology.

During the meeting, Lockheed Martin addressed several recommendations outlined in the National Telecommunications and Information Administration's ("NTIA") recent letter asking the FCC to move forward with adopting final rules in the above-referenced proceeding.<sup>1</sup> As an initial matter, Lockheed Martin reiterated its position that there is currently no need to change the spectrum allocations used to support space launches and that the FCC's existing Special Temporary Authority ("STA") process provides adequate spectrum access on an equitable basis for commercial launch activities.<sup>2</sup> The NTIA recommendations, if strictly applied, would run the risk of creating an imbalance in the commercial launch service sector by constraining the flexibility required by different providers.

If the FCC nonetheless adopts new allocations to support commercial space launches, Lockheed Martin asked that these rules accommodate all current launch providers equitably. Specifically, Lockheed Martin noted that NTIA's recommendations would restrict which 2.2 GHz frequencies non-Federal launch providers can access and would limit the use of these frequencies

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<sup>1</sup> Letter from Lawrence E. Strickling, Assistant Secretary for Communications and Information, NTIA, U.S. Department of Commerce, to Tom Wheeler, Chairman, FCC, ET Docket No. 13-115, RM-11341 (filed Sept. 30, 2016) ("*NTIA Letter*").

<sup>2</sup> Comments of Lockheed Martin Corporation, ET Docket No. 13-115, RM-11341 at 7 (filed Aug. 30, 2013).

to no more than up to 5 megahertz channels.<sup>3</sup> If implemented, these bandwidth limitations would place new hurdles in front of the routine operations of some commercial launch providers over others. As reflected in the FCC grants of STAs to Lockheed Martin under the current FCC process, Lockheed Martin has routinely requested and been granted greater than 5 MHz bandwidths; this need will continue for the same reasons given in the STA process.

Lockheed Martin urged that any FCC implementation of a non-federal allocation in the 2200-2290 MHz band ensure that all routine operations of commercial launch service providers be subject to no greater burdens to access the spectrum necessary to support such launch operations. Therefore, the FCC process should allow competitive service providers who would make routine use of any new non-federal allocation in the 2200-2290 MHz band, the flexibility necessary whether within or to exceed a 5 MHz bandwidth when the requisite requirements of the mission necessitate the additional bandwidth. In addition, the new allocation should allow, when requirements necessitate, the use of other 2.2 GHz frequencies than the four initially specified by NTIA, thus accommodating all current launch providers equitably.

Pursuant to Section 1.1206(b) of the FCC's rules, this letter is being filed electronically in the above-referenced proceeding. Please direct any questions regarding this submission to the undersigned.

Respectfully submitted,

/s/ Scott A. Kotler

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Paul Blais  
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Jamison Prime  
Nicholas Oros

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<sup>3</sup> *NTIA Letter* at 4. The NTIA recommendations explicitly propose to limit transmissions to the following four frequencies in the band: 2211, 2215, 2272.5, and 2287.5 MHz.